

STAFF REPORT

AGENDA ITEM: Johnson Valley Off-Highway Vehicle Area - Release of the Draft Environmental Impact Statement by the United States Marine Corps, Twentynine Palms.

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Issue: The Johnson Valley Off-Highway Vehicle (OHV) Area is a popular OHV recreation area administered by the Barstow Field Office of the BLM. It is also the largest OHV Open Area in the country. In 2008, the United States Marine Corps (USMC) expressed an interest in acquiring all or a portion of the Johnson Valley OHV Area, referred to as the 'West Study Area,' to fulfill training requirements for a large scale Marine Air Ground Task Force (MAGTF). The comment period for the DEIS evaluating the acquisition closes on May 26, 2011.

Background: Located in San Bernardino County, the Johnson Valley OHV Area is comprised of approximately 189,470 acres. It has a varied landscape consisting of steep rocky mountains, rolling hills, open valleys, dry lake beds, and sandy washes. Elevations range from 2,300 feet at Melville Dry Lake to 4,600 feet at Hartwell Hills. The area offers both motorized recreation and motorized off-highway access to non-motorized recreation opportunities.

Since the mid-1970s, OHV use has been the predominant recreational activity at the Johnson Valley OHV Area. Motorized use ranges from leisurely touring on dirt bikes, ATVs, and 4x4 vehicles to the many organized OHV-related events scheduled each year. American Motorcycle Association (AMA) District 37 has hosted events at Johnson Valley for over forty years. One of the largest events to date has been the annual King of the Hammers, which just a few months ago drew an estimated 150 drivers and 20,000 spectators who watched the racing, browsed through the many vendor booths, participated in workshops, and enjoyed entertainment venues.

The OHMVR Division has awarded grant funding to the BLM Barstow Field Office since 1983 for projects that support maintenance, conservation, restoration, and law enforcement activities related to OHV recreation in the Johnson Valley OHV Area.

The Johnson Valley OHV Area is located adjacent to the existing Marine Corps Air Ground Combat Center (MCAGCC) training facility, also known as Twentynine Palms. Created in 1952, the MCAGCC is the largest military training area in the nation, and the largest U.S. base in the world. Almost all USMC units rotate through the MCAGCC for training before being deployed.

Based upon a variety of factors, the USMC has identified training requirements necessary to prepare Marines for what they will encounter in combat operations. A study conducted by the Center for Naval Analyses between 2002-2004 examined military installations that would meet the training requirements for a Marine Expeditionary Brigade (MEB). The training requirements include exercises allowing three Marine battalions (approximately 10,000-15,000 personnel) to simultaneously maneuver for a 48-72 hour training period, with multiple battalions converging on a single objective using combined-arms, live fire, and accompanying Special Use Airspace. While the study concluded the MCAGCC was the location best meeting training requirements, it also concluded the MCAGCC did not contain enough available area to train the full capability of a MEB. Given these findings, the USMC began evaluating a range of alternatives for fulfilling MEB training requirements.

In August 2008, the USMC submitted a land withdrawal application to the BLM for approximately 422,000 acres contiguous to the base as part of an ongoing study for possible base expansion and modification/establishment of corresponding Special Use Airspace necessary to train an MEB. BLM issued a public notice of land withdrawal (segregation) in September 2008 to preserve the federal public lands from competing future claims during the National Environmental Policy Act (NEPA) process. As discussed below, the withdrawal was reduced by 33,000 acres based upon further review.

The NEPA process requires the USMC to study reasonable alternatives for meeting its requirements, and to assess the impacts of the proposed alternatives on natural and socio-economic resources within those study areas. To ensure training requirements are met while maintaining appropriate margins of safety, alternatives considered generally involved acquiring sufficient land, modifying and establishing Special Use Airspace, and expanding training to meet MEB Critical Training Requirements. To be considered viable and reasonable, alternatives needed to meet the following conditions:

- Allow for independent, offensive live-fire and maneuver of three battalion task forces, including a minimum two of three battalion task forces converging on a single MEB objective, with all three able to converge on a single MEB objective preferred
- Allow for 48-72 hours of continuous offensive operations by the three battalion task forces
- Allow for integrated air and ground maneuver live-fire with optimized freedom of action (within reasonable constraints)
- Be contiguous with current MCAGCC property and associated military airspace
- Avoid Congressionally-designated wilderness areas, parks, wildlife refuges, designated critical habitat for threatened or endangered species, cities/towns, and interstate highways.
- Allow for sustained tactical logistics and tactical communications over extended distances
- Provide opportunities for exercise design flexibility to avoid training evolution repetition
- Provide minimum 1,000-meter buffer between live-fire areas and the base boundary

After studying areas surrounding the MCAGCC, the Department of the Navy and USMC team concluded lands to north were unsuitable due to terrain, infrastructure, and lack of MEB training value. Three Acquisition Study Areas remained under consideration: the West Acquisition Study Area (BLM land and site of the Johnson Valley OHV Area), the South Study Area (BLM land and private property with minimal OHV recreational use), and the East Study Area (minimal OHV recreational use).

The Department of the Navy, the NEPA lead agency, published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts associated with the proposed establishment of a large-scale training range facility at the MCAGCC in October 2008 and held three public meetings in December 2008. The Department of the Navy presented five alternatives for meeting MEB-level training, including associated land acquisition and Special Use Airspace establishment, and a No Action Alternative for review and comment during this scoping period.

After analyzing public comments on the NOI, aligning the study areas more closely with terrain features, eliminating lands with minimal training value, and reducing the number of occupied affected private parcels, the USMC removed approximately 60,000 acres from the West, South, and East Acquisition Study Areas,

including approximately 33,000 acres of BLM lands as noted above. In total about 379,000 total acres are studied in the EIS. The Department of the Navy also developed a sixth alternative (Alternative 6) for inclusion in the EIS that accommodates public access to some of the lands in the West Acquisition Study Area when the area is not being used for training.

The Department of the Navy released the Draft EIS for public comment in February 2011. The land being considered for potential acquisition under the proposed action is predominantly administered by the BLM, while the airspace being considered for establishment or modification is controlled by the Federal Aviation Administration (FAA). The BLM and the FAA therefore serve as cooperating agencies in the EIS process. The public comment period concludes May 26, 2011. Three public comment meetings on the DEIS were held in Joshua Tree, Ontario, and Victorville. Comments received at the public comment meetings or submitted in writing during the comment period will all be analyzed and evaluated in the preparation of the Final EIS.

After evaluating public comments on the DEIS, the Department of the Navy will prepare a Final EIS (FEIS) in which the final evaluation of alternatives, impacts, and any appropriate mitigation measures not already included as part of the alternatives or yet identified in the DEIS will be presented. After publication of the FEIS and evaluation of all factors, the Department of the Navy will make its decision and publish it in a Record of Decision (ROD).

If the ROD selects the acquisition of public lands to meet MEB training requirements, the Department of the Navy would submit a completed withdrawal application to the BLM and take other required actions. Congress must approve any withdrawal; the President will approve the action in the final budget package.

Discussion:

The EIS evaluates the effects of the proposed alternatives' potential changes to both land and airspace use. The EIS assumes expanded training would be implemented as a full-scale MEB exercise conducted twice per year for 24 continuous days each. It also assumes current levels of proficiency training may be conducted by units up to a single battalion in size when MEB Exercises are not being conducted.

The alternatives comprise the following key variants related to the impact on OHV recreation in the West Acquisition Study Area:

- No Action Alternative: No change from current public access. 100% (189,470 acres) of the Johnson Valley OHV Area remain available 12 months a year for public access and OHV recreation.
- Alternative 1: 9% of the Johnson Valley OHV Area (17,640 acres) would be available 12 months a year for public access and OHV Recreation.
- Alternative 2: 46% of the Johnson Valley OHV Area (86,200 acres) would be available 12 months a year for public access and OHV Recreation.
- Alternative 3: No change from current public access; addresses airspace in the East and South study areas only. 100% of the Johnson Valley OHV Area (189,470 acres) would be available 12 months a year for public access and OHV Recreation.
- Alternatives 4 and 5: 100% of the Johnson Valley OHV Area (189,470 acres) would be available 10 months a year for permitted public access and OHV Recreation.
- Alternative 6 (Preferred Alternative): 44% of the Johnson Valley OHV Area (82,802 acres) (southern portion of the current area) would be available 10 months a year for permitted public access and OHV Recreation. 56% (106,668 acres) in the northern portion of the current area would be converted to exclusive military use.

According to the USMC Frequently Asked Questions, Alternative 6 was selected as the Preferred Alternative because “it is the optimal alternative considering operational and environmental impact factors together.” Although it does not meet the MEB training operational requirements as well as Alternative 1, Alternative 6 was developed in response to public comments and was designed to “preserve public access to important off-road recreation areas during periods when MEB training did not require use of those lands.”

Alternatives 4, 5, and 6 include a Restricted Public Access Area (RPAA) that would:

- Designate land for exclusive military training two months a year, allowing only **permitted** public access for 10 months a year (the RPAA).

- Require the use of only non-dud producing ordinance (ordinance with no explosive charge) when firing into the RPAA. (However, dud producing ordinance would be used in the Alternative 6 exclusive military use area.
- Require the cleanup of the RPAA after training activities.
- Only allow **permitted** public access after training exercises subject to a determination by the Commanding General that the area has been returned to a condition suitable for authorized public access following each MEB Exercise.

To adequately notice and educate the public about the RPAA, the USMC proposes to embark upon a coordinated program of public notification, safety education, and range safety procedures to permit restricted public access in the designated RPAA when military training activities are not being conducted.

Public Notification and Safety Education efforts would include:

- Informational outreach program for local citizens, community leaders, and interest groups
- Web-based education requirements and permitting process for RPAA users
- Website to promote public awareness and provide schedules for planned military activity well in advance to not conflict with any organized recreational activities
- Informational materials, including brochures, advertisements, fliers and kiosks

Additionally, the USMC would develop specific requirements and restrictions as appropriate to maximize safe and compatible use of the acquired land should Alternative 4, 5, or 6 be selected in the ROD and implemented. The EIS lists the following restrictions relevant to OHV recreation that have been identified at this time:

- Organized recreational events (i.e., sponsored OHV races) would require special permits. These permits would require event sponsors to obtain liability insurance related to the event and are intended to enable the USMC to schedule additional public outreach efforts, provide sufficient pamphlets and information to the event organizers, and to schedule sufficient Conservation Law Enforcement Officers, and state and local law enforcement.

- The possession of firearms would be prohibited. A special permit may be obtained for recreational shooting associated with sponsored events. Event organizers would be required to comply with Marine Corps range safety policies as part of the permit process.
- The marking of race courses would be authorized; however, construction of courses (jumps, ramps, slopes, etc.) would be prohibited unless special authorization (as part of the permitting process) was obtained.
- Public access to the RPAA would require each individual (or responsible adult for minors), to certify that they have completed the required public education requirement. Sponsoring adults would be responsible for supervising minors at all times. Public education would be accessible through the internet or in person at the installation.

The USMC has been diligent in their outreach efforts associated with the DEIS of over 940 pages. Nevertheless, there are many outstanding questions related to the document, the proposed expansion, and the alternatives. The Program Manager for Land Acquisition from the MCAGCCA will be at the meeting and will provide an overview of the project and be available to answer questions.

**Commission
Action:**

After hearing from the USMC representative and the public, and discussion of the various Alternatives, the Commission will consider providing comments on the DEIS.